

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 360**

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**Introduced by Assembly Member Melendez**

February 17, 2015

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An act to amend Section 21632 of the Public Utilities Code, relating to airports.

LEGISLATIVE COUNSEL'S DIGEST

AB 360, as amended, Melendez. ~~Ontario International Airport. Airports: evaluation.~~

*The State Aeronautics Act governs the creation and operation of airports in this state. The act authorizes the Department of Transportation to evaluate the need for an airport, owned or operated by the United States in this state that ceases to be so owned or operated, in the state's public-use airport system, as specified. The act requires the department, before finalizing the evaluation, to submit a copy of its report to the California Transportation Commission for review and comment and requires the commission to complete its review and comment, as specified, not later than 45 days after receiving the evaluation.*

*This bill would instead require the commission to complete its review and comment not later than 50 days after receiving the evaluation.*

~~Existing law provides for creation of airport districts. Existing law provides for transfer of the San Diego International Airport from the San Diego Unified Port District to the San Diego County Regional Airport Authority.~~

~~This bill would state the intent of the Legislature to enact legislation that would establish the Ontario International Airport Authority and~~

~~require the transfer of management and operational control of the Ontario International Airport from the City of Los Angeles to the authority.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
 State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 21632 of the Public Utilities Code is*  
 2     *amended to read:*

3     21632. (a) The department may also acquire existing airports  
 4     and air navigation facilities, but it shall not acquire any airport or  
 5     air navigation facility owned or controlled by a political subdivision  
 6     of this or any other state without the consent of the political  
 7     subdivision.

8     (b) Whenever an airport owned or operated by the United States  
 9     in this state ceases to be so owned or operated, the department, in  
 10    consultation with local and regional transportation planning  
 11    agencies, may evaluate the present and future need for the airport  
 12    in the state’s public-use airport system, including the need for both  
 13    the transportation of people and goods. The purpose of the  
 14    evaluation is to determine aviation needs and does not eliminate  
 15    any requirement of the California Environmental Quality Act,  
 16    Division 13 (commencing with Section 21000) of the Public  
 17    Resources Code.

18    (c) ~~Prior to~~ *Before* finalizing the evaluation, the department  
 19    shall submit a copy of its report to the commission for review and  
 20    comment. The commission shall complete its review and forward  
 21    any comments to the department not later than ~~45~~ 50 days after  
 22    receiving the evaluation.

23    (d) Upon completion of its evaluation, the department may make  
 24    a recommendation to the Legislature, the commission, the affected  
 25    local agencies, and the appropriate federal agency for the airport’s  
 26    ownership and type of operation as a public-use airport, if the  
 27    department determines that the airport would be of significant  
 28    benefit to the state’s airport system. It is the intent of the  
 29    Legislature that the department, in making its recommendation,  
 30    give priority for ownership and operation of these public-use  
 31    airports to a local political subdivision or subdivisions acting  
 32    jointly.

1 (e) ~~Notwithstanding Section 21606, if~~ *If* a political subdivision  
2 or subdivisions acting jointly notify the department of their  
3 intentions to prepare a reuse plan for the airport, and  
4 simultaneously apply to the Federal Aviation Administration for  
5 a federal grant to develop an airport master plan for the airport,  
6 the department shall not make its recommendation pursuant to  
7 subdivision (d). If the department's evaluation determines that the  
8 airport would be of significant benefit to the state's airport system,  
9 and the political subdivision or subdivisions acting jointly fail to  
10 convert the federal airport to a civil public-use airport in accordance  
11 with the department's evaluation within five years of notification  
12 to the department, or fail to evidence substantial progress toward  
13 that purpose as determined by the department, then the department  
14 may take action in accordance with subdivision (f).

15 (f) If the department determines the airport is of present or future  
16 benefit to the state's public-use airport system, and no political  
17 subdivision applies to the appropriate federal agency to acquire or  
18 operate the airport, or has notified the department of its intention  
19 to prepare a reuse plan for the airport and thereafter fails to act  
20 upon its application pursuant to subdivision (e), the department  
21 may, subject to subdivision (g), assist in the formation of a public  
22 entity to own and operate the ~~airport~~ *airport*, which shall be  
23 representative of political subdivisions in the area ~~which~~ *that*  
24 surrounds and is served by the airport, as determined by the  
25 department. If established, the owning and operating entity may,  
26 subject to subdivision (g), prepare and submit an application to  
27 the appropriate federal agency to acquire or operate, or acquire  
28 and operate, the airport as a public airport.

29 (g) Notwithstanding subdivision (f), if any political subdivision  
30 has previously applied to the appropriate federal agency to acquire  
31 and operate the airport as a public airport, has completed all  
32 required environmental and fiscal evaluations, and subsequently  
33 withdrew its application ~~prior to~~ *before* December 31, 1988, the  
34 department shall not file any application to acquire or operate the  
35 airport or assist in the formation of a public entity to own and  
36 operate the airport.

37 ~~SECTION 1. It is the intent of the Legislature to enact~~  
38 ~~legislation that would establish the Ontario International Airport~~  
39 ~~Authority and require the transfer of management and operational~~

- 1 control of the Ontario International Airport from the City of Los
- 2 Angeles to the authority.

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